

THIRTY-THIRD DAY - FEBRUARY 24, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 24, 2005

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brashear, Combs, Cunningham, Janssen, Jensen, Kruse, Landis, Mines, Dw. Pedersen, D. Pederson, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

MESSAGE FROM THE GOVERNOR

February 22, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Please withdraw the following names from confirmation to the Nebraska Transit and Rail Advisory Council, due to council termination on June 30, 2005.

Duane Eitel, 3505 S 31st Street, Lincoln NE 68502
Georgia Janssen, RR #1 Box 144, Winside NE 68790
David Gilfillan, 2410 Lincoln Street, Beatrice NE 68310
Roger Figard, 5411 Glade, Lincoln NE 68506
Paul Mullen, 2222 Cuming Street, Omaha NE 68102

Anne Boyle, 420 South 11th #303, Omaha NE 68102
Roberto Munguia, 201 N 7th Street, Lincoln NE 68501
Gary Ruegg, 16314 Seward Circle, Omaha NE 68118
Thomas Mulligan, 12311 Charles Street, Omaha NE 68154
Steve McBeth, 6010 Rolling Hills Blvd, Lincoln NE 68512

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor

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NOTICE OF COMMITTEE HEARING
Appropriations
Room 1524

Tuesday, March 8, 2005

1:30 p.m.

AGENCY 11 - Attorney General
AGENCY 13 - Department of Education
AGENCY 34 - Library Commission
AGENCY 69 - Arts Council

(Signed) Don Pederson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 21, 89, 119, 175, and 176.

ER9001

Enrollment and Review Change to LB 119

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mines-Beutler amendment, AM0398, on page 1, line 15, the third "the" has been struck, shown as stricken, and "such" inserted.
2. In the E & R amendment, AM7006:
 - a. On page 1, line 11, "29 to 34" has been struck and "30 to 35" inserted; and
 - b. On page 2, line 7, "32" has been struck and "33" inserted; in line 16 "30" has been struck and "31" inserted; in line 17 "31" has been struck and "32" inserted; and in line 24 "38 to 40" has been struck and "39 to 41" inserted.
3. On page 1, line 6, the second comma has been struck and "to" inserted.

4. On page 91, line 10, "(i)" has been struck and "i." inserted; in line 15 "(ii)" has been struck and "ii." inserted; and in line 20 "(iii)" has been struck and "iii." inserted.

ER9002

Enrollment and Review Change to LB 175

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 5 has been struck and "section 71-1,107.30, Reissue Revised Statutes of Nebraska; to change provisions relating to the authority to prescribe drugs and devices; and to repeal the original section." inserted.

(Signed) Michael Flood, Chairperson

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 549:

Game and Parks Commission
Jerrold Burke

Voting in the affirmative, 26:

Baker	Fischer	Kopplin	Price	Synowiecki
Byars	Friend	Kremer	Redfield	Wehrbein
Cornett	Heidemann	Langemeier	Schimek	
Cudaback	Howard	Louden	Schrock	
Engel	Hudkins	McDonald	Smith	
Erdman	Johnson	Pahls	Stuhr	

Voting in the negative, 0.

Present and not voting, 11:

Aguilar	Burling	Flood	Stuthman
Bourne	Chambers	Foley	Thompson
Brown	Connealy	Preister	

Excused and not voting, 12:

Beutler	Cunningham	Kruse	Pedersen, Dw.
Brashear	Janssen	Landis	Pederson, D.
Combs	Jensen	Mines	Raikes

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not

voting, and 12 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 583:

Accountability and Disclosure Commission
Steve McCollister

Voting in the affirmative, 25:

Byars	Erdman	Hudkins	Mines	Smith
Connealy	Fischer	Kopplin	Pahls	Stuhr
Cornett	Friend	Langemeier	Pederson, D.	Stuthman
Cudaback	Heidemann	Louden	Price	Synowiecki
Engel	Howard	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 15:

Aguilar	Brown	Flood	Kremer	Schimek
Baker	Burling	Foley	Preister	Schrock
Bourne	Chambers	Johnson	Raikes	Thompson

Excused and not voting, 9:

Beutler	Combs	Janssen	Kruse	Pedersen, Dw.
Brashear	Cunningham	Jensen	Landis	

The appointment was confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 583:

State Emergency Response Commission
Steven Danon
Donald Eisenhower

Voting in the affirmative, 28:

Aguilar	Engel	Johnson	Pahls	Stuhr
Brashear	Erdman	Kopplin	Pederson, D.	Stuthman
Brown	Fischer	Kremer	Price	Synowiecki
Burling	Heidemann	Langemeier	Raikes	Wehrbein
Byars	Howard	Louden	Schimek	
Cudaback	Hudkins	McDonald	Smith	

Voting in the negative, 0.

Present and not voting, 13:

Baker	Connealy	Foley	Preister	Thompson
Bourne	Cornett	Friend	Redfield	
Chambers	Flood	Mines	Schrock	

Excused and not voting, 8:

Beutler	Cunningham	Jensen	Landis
Combs	Janssen	Kruse	Pedersen, Dw.

The appointments were confirmed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 71. Title read. Considered.

The Standing Committee amendment, AM0343, found on page 477, was considered.

Senator Kremer offered the following amendment to the Standing Committee amendment:

AM0569

(Amendments to Standing Committee amendments, AM0343)

- 1 1. Insert the following new section:
- 2 "Sec. 14. It is the intent of the Legislature to
- 3 appropriate one million dollars each year for three consecutive
- 4 years to fund the Agricultural Opportunities and Value-Added
- 5 Partnerships Act, making such grant funds available on and after
- 6 January 1, 2006."
- 7 2. Renumber the remaining section accordingly.

Pending.

STANDING COMMITTEE REPORTS **Agriculture**

LEGISLATIVE BILL 531. Placed on General File as amended.

Standing Committee amendment to LB 531:

AM0514

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Department of Agriculture may, within
- 4 the framework and consistent with standards of the National Animal
- 5 Identification System, cooperate and coordinate with the Animal and
- 6 Plant Health Inspection Service of the United States Department of
- 7 Agriculture and other local, state, and national agencies and

8 organizations, public or private, to define premises where
9 livestock are located, to develop a premises registration system
10 for Nebraska, and to implement other state components of a national
11 uniform system of animal identification.

12 Sec. 2. (1) Any information that a person provides to
13 the Department of Agriculture for purposes of premises registration
14 or otherwise for voluntary participation in or compliance with a
15 uniform system of animal identification shall not be subject to
16 public inspection pursuant to sections 84-712 to 84-712.09. The
17 department and its employees or agents shall not disclose such
18 information to any other person or agency except when such
19 disclosure:

20 (a) Is authorized by the person who provides the
21 information; or

22 (b) Is necessary for purposes of disease surveillance or
23 to carry out epidemiological investigations related to incidences
24 of animal disease.

1 (2) The department may disclose information as authorized
2 by this section subject to any confidentiality requirements that
3 the department determines are appropriate under the circumstances.

4 (3) Any person who violates this section shall be subject
5 to prosecution and penalty for official misconduct pursuant to
6 section 28-924.

7 (4) Nothing in this section shall be construed to
8 prohibit the department from discussing, reporting, or otherwise
9 disclosing the progress or results of disease surveillance
10 activities or epidemiological investigation related to incidences
11 of animal disease.

12 Sec. 3. The Revisor of Statutes shall assign sections 1
13 and 2 of this act within sections 54-701 to 54-705.".

(Signed) Bob Kremer, Chairperson

Business and Labor

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendment to LB 166:
AM0566

1 1. On page 2, line 20, strike "one hundred" and insert
2 "fifty"; in line 25 after "self-employed" insert "with a maximum of
3 one full-time or one part-time employee."; and strike beginning
4 with "and" in line 25 through the period in line 26 and show as
5 stricken.

(Signed) Douglas Cunningham, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor
Room 2102

LB 420	Monday, March 14, 2005	1:30 p.m.
LB 641	Monday, March 14, 2005	1:30 p.m.
LB 608	Monday, March 14, 2005	1:30 p.m.
LB 656	Monday, March 14, 2005	1:30 p.m.
LB 661	Monday, March 14, 2005	1:30 p.m.
LB 736	Monday, March 14, 2005	1:30 p.m.
LB 489	Monday, March 14, 2005	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

AMENDMENT - Print in Journal

Senator Kremer filed the following amendment to LB 51:
AM0565

1 1. On page 3, strike beginning with "Such" in line 8
2 through "Agriculture" in line 10 and insert: "Laboratory testing
3 services authorized by this section shall not be performed beyond
4 the scope of the Department of Agriculture's statutory authority
5 and shall be limited to one or more of the following: (a) Acts of
6 terrorism, natural disaster, or other public health or agricultural
7 emergency; (b) testing performed in accordance with
8 intergovernmental agreements for laboratory testing services; and
9 (c) testing performed in connection with validation studies for
10 analytical techniques and methods developed by entities whose
11 function is establishing or approving official laboratory
12 analytical standards".

STANDING COMMITTEE REPORT
Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tamas R. Allan - Nebraska State Fair Board

VOTE: Aye: Senator(s): Kremer, Burling, Chambers, Cunningham, Erdman, Fischer, Preister, Wehrbein. Nay: None. Absent: None.

(Signed) Bob Kremer, Chairperson

ANNOUNCEMENTS

Senator Howard designates LB 264 as her priority bill.

Senator Brown designates LB 546 as her priority bill.

GENERAL FILE

LEGISLATIVE BILL 71. Senator Chambers asked unanimous consent to bracket until May 30, 2005.

Senator Stuhr objected.

Senator Chambers offered the following motion:
Bracket until May 30, 2005.

Senator Chambers withdrew his motion to bracket.

Senator Kremer withdrew his pending amendment, AM0569, found in this day's Journal.

The Standing Committee amendment, AM0343, found on page 477 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Stuhr moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 71A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 243. Title read. Considered.

The Standing Committee amendment, AM0055, found on page 346, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 243A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 76. Title read. Considered.

SENATOR SCHIMEK PRESIDING

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 162 and 301.

ER9005

Enrollment and Review Change to LB 301

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Jensen amendment, AM0441, on page 4, line 2, "50, 52 to 63" has been struck and "65" inserted.

2. In the E & R amendments, AM7008, on page 1, line 6, "and 76" has been struck and "76, and 78" inserted; and in line 14 "disease prevention and immunization programs," has been inserted after the first comma and "state public health personnel," has been inserted after the second comma.

3. On page 1, line 8, "71-5177," has been struck; in line 11 "and" has been struck and "and 81-3202," has been inserted before "Revised"; in line 15 "and" has been inserted after the second comma; and in line 16 ", and emergency medical services" has been struck.

4. On page 41, lines 9 and 27, "such sections" has been struck, shown as stricken, and "the act" inserted.

5. On page 75, line 21, "71-5714," has been struck; in line 26 "71-1913.01 to 71-1913.03," has been inserted after the second comma; and in line 27 "71-5714," has been inserted after the first comma.

(Signed) Michael Flood, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 546A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 546, Ninety-ninth Legislature, First Session, 2005.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 169:
AM0537

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 4 through 11, strike the new matter
- 2 and reinstate the stricken matter; and in line 16 after the period
- 3 insert "Cities of the primary class may also issue revenue bonds
- 4 for any public purpose in connection with or related to any
- 5 revenue-producing facility.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 376. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 students and teacher from Grand Island Christian School; 40 fourth-grade students and teachers from Lincoln Christian School; Tami Kavan from Wahoo; Ken Ebel from Columbus; and high school students and teacher from O'Neill.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, February 25, 2005.

Patrick J. O'Donnell
Clerk of the Legislature